

(e) The deferred payment price.
2. Failing, in any consumer credit transaction or advertisement, to make all the disclosures, determined in accordance with §§ 226.4 and 226.5 of Regulation Z, in the manner, form, and amount required by §§ 226.6, 226.7, 226.8, 226.9, and 226.10 of Regulation Z.

3. Failing to deliver a copy of this order to cease and desist to all present and future personnel of respondents engaged in any aspect of preparation, creation, and placing of advertising, all persons engaged in reviewing the legal sufficiency of advertising, and all present and future agencies engaged in preparation, creation, and placing of advertising on behalf of respondents, and failing to secure from each such person or agency a signed statement acknowledging receipt of said order.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries, or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That the individual respondents named herein promptly notify the Commission of the discontinuance of their present business or employment and of their affiliation with a new business or employment. Such notice shall include respondents' current business address and a statement as to the nature of the business or employment in which they are engaged as well as a description of their duties and responsibilities.

It is further ordered, That respondents shall, within sixty (60) days after service upon them of this order, file, individually, with the Commission, a report in writing, setting forth in detail the manner and form in which each of them has complied with this order.

Issued August 30, 1973.

By the Commission.

[SEAL] CHARLES A. TOBIN,
Secretary.

[FR Doc. 73-20209 Filed 9-21-73; 8:45 am]

Title 18—Conservation of Power and Water Resources

CHAPTER I—FEDERAL POWER COMMISSION

[Docket No. RM74-3; Order 491]

PART 2—GENERAL POLICY AND INTERPRETATIONS

PART 157—APPLICATIONS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY AND FOR ORDERS PERMITTING AND APPROVING ABANDONMENT UNDER SECTION 7 OF THE NATURAL GAS ACT

Policy Regarding Establishment of Measures To Be Taken for Protection of Reliable and Adequate Service for 1973-1974 Winter Heating Season

SEPTEMBER 14, 1973.

Effective upon the date of issuance of this order, the Commission issues herein

a new policy statement, amends §§ 2.68 and 2.70 of its General Policy and Interpretations, and §§ 157.22 and 157.29 of its regulations under the Natural Gas Act.

Our authority to promulgate this policy statement and amend prior policy statements and regulations is contained in the Natural Gas Act, particularly sections 7 and 16 therein, and the Administrative Procedure Act. No notice of these actions is required under the Administrative Procedure Act, nor do we find that notice and public procedure would either be practicable, necessary, or serve the public interest.¹ We have used such summary procedures in order that we may promulgate policies to assist some 43 million gas consumers to obtain adequate, safe and reliable service for the 1973-1974 winter heating season.² However, we will re-examine our actions herein, on or before March 15, 1973, the latter being the termination date unless otherwise ordered.³

In Commission Order Nos. 402 and 402-A,⁴ the Commission promulgated a policy statement (§ 2.68 of our General Policy and Interpretations), which encouraged persons and companies exempt under sections 1(b) and 1(c) of the Act (distribution companies and intrastate pipelines) to make short-term sales or deliveries of natural gas in interstate commerce so as to make available temporary emergency gas supplies, without our approval, for up to 60 days.

Under Order No. 418,⁵ we amended §§ 157.22 and 157.29 of our regulations under the Natural Gas Act, to provide for emergency sales by producers to interstate pipelines and for emergency operations (e.g. exchanges) between pipelines for up to 60 days, which transactions were exempted from prior Commission certificate authorization under section 7 of the Act.

In conjunction with Order Nos. 402 and 418, the Commission issued Order No. 431,⁶ promulgating § 2.70 of our General Policy and Interpretations, indicating that "[n]otwithstanding these emergency measures (Order Nos. 402 and 418), a number of natural gas pipelines indicated their inability to deliver sufficient gas to meet their firm demands." By that order we continued the prior emergency measures, i.e. up to 60 days, but provided that we would consider limited-term certificates for purchases extending beyond that 60-day period, with pregranted abandonment, if the

pipeline demonstrates emergency need and has (1) made every reasonable effort to fill all storage fields and (2) filed curtailment plans.⁷ § 2.70(b) (3)

Promulgation of the above-emergency measures has resulted in commitments of natural gas to interstate consumers of 1.2 trillion cubic feet, through purchases ranging for 60 days to three years, from 1971 through May of 1973.

In Order No. 418, we noted that:

Several parties suggested that the proposed 60-day period of emergency operation be extended to periods ranging from three to six months. . . . We shall . . . defer disposition of this issue until such time as we may propose additional rules applicable to emergency transactions on a more extended basis. 44 FPC at 1575.

We now dispose of that reserved issue, at least on an interim basis.

On July 16, 1973, the Commission's staff released its most recent report on past curtailments and projected curtailments for the 1973-1974 winter heating season.⁸ That report indicated (after eliminating intercompany transactions) that net curtailments of firm requirements customers of the major interstate pipelines represented about .8 trillion cubic feet from April 1972 to March 1973, and was reported to increase to about 1.2 trillion cubic feet during the April 1973-March 1974 period. Such curtailments for the 1973-1974 winter heating season are estimated to be .5 trillion cubic feet of natural gas; the equivalent of about 85 million barrels of oil. The report further indicated acute regional curtailments, both this summer and for the current winter-heating season, in the New England, Appalachian, Great Lakes and Northern Plains regions. Such curtailments will result, as they did last year, in severe economic and environmental consequences, resulting in the closing of schools and factories, the denial of utility service to new customers, the utilization by industry and electric utilities of alternate fuels which impact upon ambient air quality standards, and the transfer of unfulfilled demand to other fuels in short supply with the resultant upward price pressures. At least for the 1973-1974 winter-heating season, reliable and adequate gas service is even more jeopardized than at the juncture when we initiated emergency measures, *supra*, over three and one-half years ago.

We further take notice of the overall domestic fuel situation for this 1973-1974 winter heating season. The unfulfilled demand for natural gas cannot be readily transferred to other fuels. Propane and fuel oils are in limited supply and neither can fulfill the projected firm requirements for customers of interstate pipelines.

In order that this Commission can discharge its responsibilities to the Nation's

¹ Such filings for limited-term certificates were made pursuant to Paragraph 12 in Docket No. R-389-A, July 17, 1970. 35 F.R. 11638.

² We take official notice of FPC News Release No. 19441, July 16, 1973, publishing that report.

³ 5 U.S.C. 553(b) (3) (A) and (B). Cf. "Memphis Light, Gas and Water Division v. F.P.C.", 462 F. 2d 853 (D.C. Cir. 1972) reversed on other grounds, 411 U.S. 458 (1973).

⁴ Cf. "F.P.C. v. Louisiana Power & Light Co.", 406 U.S. 621 (1972); "Alabama Gas Corp. v. F.P.C.", 5th Cir., No. 72-1415, February 7, 1973; "P.S.C. of N.Y. v. F.P.C.", 467 F.2d 361 (D.C. Cir. 1972). See also "Gulf States Utilities Co. v. F.P.C.", S.Ct. No. 71-1178, May 14, 1973, slip op. at 14-15; "Mobile Oil Corp. v. F.P.C.", 469 F.2d 130 (D.C. Cir. 1972), cert. denied, S.Ct. No. 72-1108, June 4, 1973.

⁵ See P.S.C. of N.Y., *supra*, rehearing order of May 19, 1972.

⁶ 43 FPC 707 (1970), 43 FPC 822 (1970).

⁷ 44 FPC 1574 (1970).

⁸ 45 FPC 570 (1971).

gas consumers and carry out our Congressionally-delegated mandate, we are effective this day amending §§ 2.68 and 2.70 of our General Policy and Interpretations and §§ 157.22 and 157.29 of our regulations under the Natural Gas Act, to change the 60-day emergency measures provided therein, so as to change the term to a maximum of 180 days under which no Commission authorization is required in advance.* Concurrently, we are providing that § 2.70(b)(3), which provides for the filing of limited-term certificates under Paragraph 12, supra, is hereby stayed, pending further review and order of the Commission. All such limited-term certificate applications, which have been filed with the Secretary as of the date of issuance of this order, will be processed, as in the past, and any applications submitted after the date of this order, shall be returned, without prejudice to the applicant. Applicants are free to file notices of withdrawal of limited-term certificates previously filed, pursuant to § 1.11(d) of our rules and regulations.

On or before March 15, 1974, the Commission will have reviewed the emergency measures provided herein. Transactions entered into prior to March 15, 1974, may continue for a period up to 180 days, i.e., an emergency measure initiated on February 1, 1974, may continue until July 31, 1974. Those 60-day emergency transactions which have commenced as of the date of issuance of this order may continue, depending upon the agreement between the parties, for 180 days beginning at the time of termination of the 60-day transaction. In addition to the existing reporting requirements, we will require that the pipeline purchaser report to the Secretary within ten (10) days after deliveries commence under the 180-day procedure, the estimated volumes and rate charged for the emergency sale.

We will review these measures to determine their impact during the 1973-1974 winter-heating season and to determine what emergency measures may be required during the 1974 summer storage injection period and the 1974-1975 winter-heating season.

The Commission finds

(1) The revisions to the policy statements and regulations herein do not require notice or hearing under 5 U.S.C. 553.

(2) Many interstate natural gas pipelines have been unable to obtain and are expected to have problems in obtaining, short-term emergency, gas supplies to meet their firm requirements during the 1973-1974 winter-heating season, in the absence of the revised emergency measures herein promulgated.

* Section 7(c) of the Act provides, in part, that we "may by regulation exempt from the requirements of this section temporary acts or operations for which the issuance of a certificate will not be required." 15 U.S.C. 717 f(c). See Section 2.67a of the General Policy and Interpretations, concerning the finding of insufficient gas supplies and rate treatment of the investment tax credit. Order No. 448, 47 FPC 141 (1972).

The Commission orders that effective upon issuance

(A) Part 2, Subchapter A, General Rules, Chapter I of Title 18 of the Code of Federal Regulations, is amended by revising the following:

In § 2.68 (a) and (b)—The 60-day periods found therein are changed to 180 days.

In § 2.70(b)(3)—The 60-day periods found therein are changed to 180 days.

The following provision is stayed pending further order of the Commission:

If the emergency purchases are to extend beyond the 60-day period Paragraph 12 in the notice issued by the Commission on July 17, 1970, in Docket No. R-389-A should be utilized. The Commission will consider limited-term certificates with pregranted abandonment, if the pipeline demonstrates emergency need, after complying with subparagraphs (1) and (2) of this paragraph.

(B) Section 157.22, Subchapter E, Chapter I, Title 18 of the Code of Federal Regulations, is amended by revising the following:

In § 157.22(a)—The sixty-day period is changed to 180 days.

In § 157.22(d)—The 60-day period is changed to 180 days.

(C) Section 159.29, Subchapter E, Chapter I, Title 18 of the Code of Federal Regulations, is amended by revising the following:

In § 157.29(a)—The sixty (60) day period is changed to 180 days.

In § 157.29(b)—The 60-day period is changed to 180 days.

(D) The revisions and amendments in (A), (B), and (C) are effective upon issuance and until March 15, 1974.

(E) The Commission provides that any interested person may file comments on the revisions effective herein, such filings to be made in written form with the Secretary of the Commission and to be filed during the period January 15, 1974 to February 15, 1974, for consideration by the Commission prior to its March 15, 1974 review.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.73-20264 Filed 9-21-73; 8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 101—FEDERAL PROPERTY MANAGEMENT REGULATIONS

SUBCHAPTER E—SUPPLY AND PROCUREMENT [FPMR Amdt. E-133]

PART 101-25—GENERAL

Desks With Locks

Prior approval of the validity of the requirement for desks with locks is no longer required. Therefore, use standards for desks with locks and guidelines for determining justification for their purchase are rescinded.

The table of contents for Part 101-25 is amended by deleting and reserving § 101-25.302-6, as follows:

Subpart 101-25.3—Use Standards

§ 101-25.302-6 [Reserved]

Section 101-25.302 is amended by deleting 101-25.302-6 as follows:

§ 101-25.302-6 [Reserved]

(Sec. 205(c), 63 Stat. 390 (40 U.S.C. 486(c)).)

Effective date.—This regulation is effective September 24, 1973.

Dated September 18, 1973.

ARTHUR F. SAMPSON,
Administrator of General Services.
[FR Doc.73-20220 Filed 9-21-73; 8:45 am]

CHAPTER 105—GENERAL SERVICES ADMINISTRATION

PART 105-64—ADVISORY COMMITTEE MANAGEMENT

Policies and Procedures Relating to GSA-Sponsored Advisory Committees

This regulation prescribes policies and procedures in GSA regarding the establishment, operation, termination, and control of advisory committees for which GSA has responsibility.

Chapter 105 is amended by the addition of new Part 105-64 as follows:

Sec.	
105-64.000	Scope of part.
Subpart 105-64.1—General Provisions	
105-64.101	Applicability.
105-64.102	Definitions.
105-64.103	Policy.
105-64.104	Responsibilities.
Subpart 105-64.2—Establishment of Advisory Committees	
105-64.200	Scope of subpart.
105-64.201	Proposals for establishing advisory committees.
105-64.202	Review and approval of proposals.
105-64.203	Advisory committee charters.
105-64.203-1	Preparation of charters.
105-64.203-2	Active charters file.
105-64.203-3	Submission to Library of Congress.
105-64.204	Advisory committee membership.
Subpart 105-64.3—Advisory Committee Procedures	
105-64.300	Scope of subpart.
105-64.301	Meetings.
105-64.301-1	Agenda.
105-64.301-2	Security clearance.
105-64.301-3	Time and place.
105-64.301-4	Public notice of meetings.
105-64.301-5	Minutes of meetings.
105-64.301-6	Public attendance and participation.
105-64.302	Committee records and reports.
105-64.303	Fiscal and administrative provisions.
105-64.304	Renewal of advisory committees.
105-64.305	Termination of advisory committees.
105-64.306	Complaint procedures.

Subpart 105-64.4—Reports

105-64.400	Scope of subpart.
105-64.401	Report to Assistant Administrator.
105-64.402	Annual report to the Office of Management and Budget.

AUTHORITY.—Pub. L. 92-463 dated October 6, 1972, and Executive Order 11686 of October 7, 1972.

§ 105-64.00 Scope of part.

This part sets forth policies and procedures in GSA regarding the establishment, operation, termination, and control of advisory committees for which GSA has responsibility. It implements the Federal Advisory Committee Act (Pub. L. 92-463), which authorizes a system governing the establishment and operation of advisory committees in the executive branch of the Federal Government, and Executive Order 11686 of October 7, 1972, which directs the heads of all executive departments and agencies to take appropriate action to ensure their ability to comply with the provisions of the Act.

Subpart 105-64.1—General Provisions

§ 105-64.101 Applicability.

This Part 105-64 applies to all advisory committees for which GSA has responsibility. In general, such committees are characterized by fixed membership, a defined purpose of providing advice regarding matters of concern to GSA operations, a formal structure (e.g., officers), and regular or periodic meetings. This part also applies to any committee used to advise GSA officials though not established for that purpose. Such applicability, however, is limited solely to the period of its use as an advisory body. This part does not apply to:

- (a) Any local civic group whose primary function is to render a public service in connection with a Federal program;
- (b) Any State or local committee, council, board, commission, or similar group established to advise or make recommendations to State or local officials or agencies; or
- (c) The National Historical Publications Commission or the National Archives Trust Fund Board but does apply to committees that are advisory to them.

§ 105-64.102 Definitions.

- (a) The term "advisory committee" means any committee, board, commission, council, conference, panel, task force, or other similar group, or any subcommittee thereof that is:
 - (1) Established by statute or reorganization plan;
 - (2) Established or utilized by the President; or
 - (3) Established or utilized by one or more agencies to obtain advice or recommendation for the President or for one or more agencies or officers of the Federal Government. The term "advisory committee" excludes the Advisory Commission on Intergovernmental Relations, the Commission on Government Procurement, and any committee which is composed wholly of full-time officers of the Federal Government.
- (b) The term "Presidential advisory committee" means an advisory committee that advises the President.

§ 105-64.103 Policy.

The basic GSA policy on committee management is as follows:

(a) Advisory committees will be formed or used by GSA only when specifically authorized by law or by the President, or specifically determined as a matter of formal record by the Administrator of General Services to be in the public interest in connection with the performance of duties imposed on GSA by law;

(b) Advisory committees will not be used to administer a function which is the assigned responsibility of a service or staff office;

(c) The assigned responsibility of a GSA official may not be delegated to any committee;

(d) No advisory committee may be used for functions that are not solely advisory unless specifically authorized by statute or Presidential directive. Making policy decisions and determining action to be taken with respect to any matter considered by an advisory committee is solely the responsibility of GSA; and

(e) In carrying out its responsibilities, GSA will consult with and obtain the advice of interested groups substantially affected by its programs. The use of advisory committees for this purpose is considered to be in the public interest and necessary for the proper performance by GSA of its assigned functions.

§ 105-64.104 Responsibilities.

(a) Responsibility for coordination and control of committee management in GSA is vested in the Assistant Administrator. This responsibility will be exercised through the Director of Management Services, Office of Administration, or his designee, who shall serve as the GSA Committee Management Officer. This Officer shall, on behalf of the Assistant Administrator, carry out the functions prescribed in section 8(b) of the Federal Advisory Committee Act. Specifically he shall control and supervise the establishment, procedures, and accomplishments of advisory committees for which GSA is responsible. Such control and supervision shall be adequate to ensure compliance with the GSA guidelines provided by these regulations.

(b) Each Head of Service and Staff Office and Regional Administrator shall designate a Committee Management Officer who shall coordinate and control committee management within the service, staff office, or regional office, and shall act as liaison to the GSA Committee Management Officer. This Officer shall also:

- (1) Assemble and maintain the reports, records, and other papers of any advisory committee for which GSA has responsibility. Arrangements may be made, however, for the Government chairman or other designated GSA representative to retain physical custody of such reports, records, and other papers to facilitate committee operations. After the committee is terminated, all committee records shall be disposed of in accordance with existing regulations; and

(2) Within existing agency regulations as found in Part 105-60, carry out the provisions of 5 U.S.C. 552 with respect to the reports, records, and other papers of advisory committees for which GSA is responsible.

Subpart 105-64.2—Establishment of Advisory Committees

§ 105-64.200 Scope of subpart.

This subpart prescribes the policy and procedures for establishing advisory committees within GSA.

§ 105-64.201 Proposals for establishing advisory committees.

The Head of a Service or Staff Office may propose establishment of a Central Office or regional advisory committee within the scope of his program responsibilities. Each such proposal shall be submitted to the Assistant Administrator (Attn: GSA Committee Management Officer) for review and coordination and shall include the following:

(a) A letter to the Director, Office of Management and Budget, for signature of the Administrator of General Services, describing the nature and purpose of the proposed advisory committee and the reasons it is needed, including the reasons its functions cannot be performed by an existing committee or Federal agency; and

(b) A notice for publication in the FEDERAL REGISTER containing a certification by the Administrator that creation of the advisory committee is in the public interest and describing the nature and purpose of the committee.

§ 105-64.202 Review and approval of proposals.

(a) The GSA Committee Management Officer shall review each proposal for establishment of an advisory committee to ensure conformity with GSA committee management policies and procedures. Thereafter, the letter of justification addressed to the Director, Office of Management and Budget, shall be forwarded through the Assistant Administrator to the Administrator of General Services for his signature.

(b) When notified by the Office of Management and Budget that establishment of the advisory committee would be in accord with the Federal Advisory Committee Act, the GSA Committee Management Officer shall secure final clearance and approval of the Federal Register notice in accordance with established GSA procedures. The notice must be published at least 30 calendar days prior to the filing of a committee charter in accordance with § 105-64.203.

§ 105-64.203 Advisory committee charters.

No advisory committee may meet or take any action until its charter has been approved by the Administrator of General Services and forwarded by the Assistant Administrator to the standing committees of the Senate and the House of Representatives having legislative jurisdiction over GSA. This requirement

applies to committees used as advisory committees though not established for that purpose, but only to the extent that the group performs the function of advising a GSA official.

§ 105-64.203-1 Preparation of charters.

(a) The Head of Service or Staff Office having jurisdiction over an advisory committee shall, following publication of the FEDERAL REGISTER notice regarding the establishment of that committee, prepare the committee's charter in accordance with this § 105-64.203-1. The completed charter shall be forwarded to the Assistant Administrator (Attn: GSA Committee Management Officer) for review, submission to the Administrator for approval, and filing.

(b) Each advisory committee charter shall contain the following information:

(1) The committee's official designation;

(2) The committee objectives and the scope of its activities;

(3) The period of time necessary for the committee to carry out its purposes. If the committee is intended to function as a standing advisory committee, this fact should be made clear;

(4) The official to whom the committee reports, including his name, title, and organization;

(5) The agency and office responsible for providing the necessary support for the committee;

(6) A description of the duties for which the committee is responsible. If such duties are not solely advisory, the statutory or Presidential authority for such additional duties shall be specified;

(7) The estimated annual operating costs in dollars and man-years for the committee;

(8) The estimated number and frequency of committee meetings;

(9) The committee's termination date, if it is less than 2 years from the date of its establishment; and

(10) The date the charter is filed. This date shall be inserted by the GSA Committee Management Officer after the Administrator approves the charter.

§ 105-64.203-2 Active charters file.

The original signed copy of each charter shall be retained by the GSA Committee Management Officer in a special file of active charters.

§ 105-64.203-3 Submission to Library of Congress.

A copy of each charter shall be furnished by the GSA Committee Management Officer to the Library of Congress at the time or shortly after copies are filed with the requisite committees of the Congress. Copies shall be forwarded to: Library of Congress, Exchange and Gift Division, Federal Advisory Committee Desk, Washington, D.C. 20540.

§ 105-64.204 Advisory committee membership.

(a) Advisory committees established by GSA shall be representative of the points of view within the profession, industry, or other group to which they

relate, taking into account such factors as size, functions, geographical location, affiliation, and other relevant considerations affecting the character of an advisory committee. Representatives of the public interest shall be included on any advisory committee concerned with questions of social policy. The chairman, members, alternates, and observers, as appropriate, of all advisory committees shall be designated by the Administrator. Nominations shall be submitted by the Head of Service or Staff Office or Regional Administrator sponsoring the committee to the Assistant Administrator (Attn: GSA Committee Management Officer) for review and forwarding to the Administrator.

(b) There shall be no discrimination on the basis of race, color, age, national origin, religion, or sex in the selection of advisory committee membership.

Subpart 105-64.3—Advisory Committee Procedures

§ 105-64.300 Scope of subpart.

This subpart sets forth the procedures which will be followed in the operation of advisory committees within GSA.

§ 105-64.301 Meetings.

Each advisory committee and each meeting thereof shall be under the chairmanship of or shall meet only in the presence of a full-time salaried employee of GSA. The Government chairman or representative shall determine when a meeting of an advisory committee is to be held and may adjourn any meeting whenever he considers such action is in the public interest.

§ 105-64.301-1 Agenda.

An agenda shall be prepared or approved by the Government chairman or representative for each meeting of an advisory committee. The agenda shall list the matters to be considered at the meeting and shall indicate whether any part of the meeting is concerned with matters covered by the exemptions from 5 U.S.C. 552(b) (Freedom of Information Act). Ordinarily, copies of the agenda shall be distributed to committee members prior to the date of the meeting.

§ 105-64.301-2 Security clearance.

All persons attending advisory committee meetings at which classified information will be considered are required to have security clearance commensurate with the category of classified matter to be discussed.

§ 105-64.301-3 Time and place.

Meetings shall be held only at the time and place determined or approved by the Government chairman or representative. Unless otherwise authorized, meetings shall be held in space under the control of the Government.

§ 105-64.301-4 Public notice of meetings.

(a) The responsible Head of Service or Staff Office shall ensure that timely notice is given of each advisory commit-

tee meeting by publication of a notice in the FEDERAL REGISTER at least 7 calendar days prior to the date of the meeting. Shorter advance notice may be provided only in emergency situations or when 7-day notice is clearly impracticable. To the extent practicable, announcements may also be made by general press releases, direct mailing, or publication in trade and professional journals appropriate to the nature of the committee meeting.

(b) The fact that a meeting may be closed to the public pursuant to the exemptions under the Freedom of Information Act does not, in general, relieve GSA of the requirement of publication of a notice of that meeting. An exception from this notice requirement may be authorized for reasons of national security by the Director, Office of Management and Budget, upon request by the Administrator of General Services at least 30 calendar days prior to the meeting.

(c) Each notice of meeting should state the name of the advisory committee, the time of the meeting, its purpose, and whether (or the extent to which) the public will be permitted to attend or participate. Whenever practicable, a summary of the agenda should be included. If the meeting is to be open to the public, the place of meeting should be specified in the notice. If any part of the meeting is to be closed, the notice should indicate the reasons therefor.

§ 105-64.301-5 Minutes of meetings.

Detailed minutes shall be kept of each advisory committee meeting. The minutes shall include at least the following items: The time and place of the meeting; a list of the advisory committee members and staff and agency employees present at the meeting; a complete summary of matters discussed and conclusions reached; copies of all reports received, issued, or approved by the advisory committee; an explanation of the extent to which the meeting was open to the public; and an explanation of the extent of public participation, including a list of members of the public who presented oral or written statements and an estimate of the number of members of the public who attended the meeting. The committee chairman shall certify the accuracy of all minutes.

§ 105-64.301-6 Public attendance and participation.

(a) Each GSA advisory committee meeting shall be open to the public unless the Administrator determines otherwise as provided in § 105-64.301-6(e).

(b) Interested persons shall be permitted to attend, appear before, or file statements with a GSA advisory committee unless the Administrator determines otherwise as provided by § 105-64.301-6(e). When required for the orderly operation of the advisory committee, the FEDERAL REGISTER notice announcing the committee meeting may prescribe appropriate procedures for attendance, appearances, and filing statements.

(c) Advisory committee meetings which are open to the public shall be held at a reasonable time and at a place that is reasonably accessible. The size of the meeting room shall be adequate to accommodate the anticipated public participants in addition to the committee members.

(d) Whenever an advisory committee anticipates widespread public interest in one of its meetings, it may establish procedures for the orderly conduct of that meeting, including the requirement of advance approval for oral participation. Public notice of such procedures shall be given at the time of announcement of the meeting or, in any event, sufficiently in advance of the meeting to permit the public to comply.

(e) An advisory committee meeting will not be open to the public nor will the attendance, appearances, or filing of statements by interested persons be permitted at such a meeting whenever the Administrator of General Services determines that it is concerned with matters listed in 5 U.S.C. 552(b). If it is determined that only a portion of the meeting is concerned with such matters, only that portion of the meeting shall be closed. Any determinations concerning the closing of meetings shall be submitted in writing by the Head of the Service or Staff Office to the Administrator for approval at least 30 calendar days in advance of the scheduled date of the meeting.

(f) If a meeting is scheduled to discuss matters which are exempt under 5 U.S.C. 552(b), it may be closed to public attendance only if the Administrator determines that the meeting (or portion) will consist of an exchange of opinions, that the discussion if written would fall within exemption (5) of 5 U.S.C. 552(b), and that it is essential to close such meeting (or portion) to protect the free exchange of internal views and to avoid undue interference with GSA or committee operations.

§ 105-64.302 Committee records and reports.

(a) Except for those instances in which the Administrator of General Services has determined otherwise pursuant to 5 U.S.C. 552(b), the records, reports, transcripts, minutes, appendixes, working papers, drafts, studies, agenda, or other documents that were made available to or prepared for or by a GSA advisory committee shall be available (until the committee ceases to exist) for public inspection and copying in the office of the Government chairman (or GSA representative) of the committee. After the committee is terminated, disposition of the committee documents and the subsequent release of information therefrom shall be in accordance with existing Federal records, statutes, and regulations. The provisions of 5 U.S.C. 552(b) (5) shall not apply to access to advisory committee documents unless the Administrator determines that denial is essential to protect the free exchange of internal agency views and to avoid undue interference

with GSA or committee operations. Except where prohibited by contractual agreements entered into prior to January 5, 1973, copies of transcripts, if any, of advisory committee meetings shall be made available by the Government chairman to any person at the actual cost of duplication.

(b) Subject to 5 U.S.C. 552(b) and instructions of the Director, Office of Management and Budget, at least eight copies of each report made by an advisory committee shall be filed by its Government chairman or GSA representative with the Library of Congress at the time of its issuance. Where appropriate, copies of background papers prepared by consultants to the advisory committee shall also be filed with the Library of Congress. The letter of transmittal shall identify the materials being furnished and a copy of the transmittal shall be provided to the GSA Committee Management Officer.

§ 105-64.303 Fiscal and administrative provisions.

(a) The Head of each Service or Staff Office shall ensure that in accordance with established GSA procedures records are maintained which fully disclose the disposition of any funds at the disposal of an advisory committee and the nature and extent of its activities.

(b) In those instances in which GSA is assigned administrative support responsibilities for a Presidential advisory committee, the Agency Liaison Division, Office of Management Services, Office of Administration, GSA, shall arrange for the maintenance of all necessary financial records as a part of its support services.

(c) Unless otherwise provided in the applicable Presidential order, statute, or other establishing authority, the GSA service or staff office sponsoring an advisory committee shall provide the necessary support services for operation of that committee.

§ 105-64.304 Renewal of advisory committees.

(a) The anniversary date for renewal of a nonstatutory advisory committee in existence when the Federal Advisory Committee Act became effective shall be January 5, 1975, and every 2 years thereafter. Each advisory committee established after January 4, 1973, may be renewed for successive 2-year periods beginning with the actual date of its establishment.

(b) Except in those instances in which the continued existence of an advisory committee is provided for by law, the renewal of an advisory committee requires that the responsible Head of Service or Staff Office submit to the Assistant Administrator (Attn: GSA Committee Management Officer) the following:

(1) An updated charter with a full explanation of the need for the renewal of the committee. (See § 105-64.203-1 for the contents of the charter.) The charter and explanation shall be furnished 60 calendar days prior to the 2-year anniversary date of the committee;

(2) A letter to the Director, Office of Management and Budget, for signature of the Administrator of General Services, setting forth the reasons for renewal of the committee; and

(3) A notice for publication in the FEDERAL REGISTER containing a certification by the Administrator that renewal of the advisory committee is in the public interest and describing the nature and purpose of the committee.

(c) Upon receipt of the above documents, the Assistant Administrator shall secure the approval of the Administrator for each advisory committee whose renewal is adequately justified. The Administrator will inform the Office of Management and Budget of his determination and the reasons therefor not more than 60 calendar days prior to the 2-year anniversary date of the committee. Following receipt of the Office of Management and Budget concurrence in the committee renewal, the Assistant Administrator shall publish notice of the renewal in the FEDERAL REGISTER and shall file copies of the updated charter as prescribed in § 105-64.203.

(d) No advisory committee required to file a new charter shall take any action other than the preparation of the charter between the date the new charter is required and the date it is actually filed.

§ 105-64.305 Termination of advisory committees.

(a) An advisory committee which has fulfilled its purpose as stated in its charter shall be terminated as soon as possible by the sponsoring Head of Service or Staff Office by written notification to the GSA Committee Management Officer.

(b) Failure to effect the continuation of an advisory committee by no later than each successive anniversary date will result in the automatic termination of that committee.

§ 105-64.306 Complaint procedures.

(a) Any person whose request for access to an advisory committee document is denied may seek administrative review pursuant to Part 105-60, which implements the Freedom of Information Act.

(b) On matters not involving access to documents, written complaints may be filed by aggrieved individuals or organizations with the Assistant Administrator addressed to the General Services Administration (AL), Washington, DC 20405. Such complaints must be filed within 90 days from the date the grievance arose. The Assistant Administrator shall promptly act upon the complaint and written notice of its disposition shall be provided to the complainant.

Subpart 105-64.4—Reports

§ 105-64.400 Scope of subpart.

This subpart sets forth the reports required by this Part 105-64 and prescribes instructions for submission of the reports.

§ 105-64.401 Report to Assistant Administrator.

By January 15 of each year, the Head of the appropriate Service or Staff Office shall report on the activities of each advisory committee under his jurisdiction in existence during the preceding calendar year. The report shall be submitted to the Assistant Administrator (Attn: GSA Committee Management Officer) and shall include the following information:

(a) The exact name of the advisory committee;

(b) Whether the committee is ad hoc or continuing (Generally an ad hoc committee is one that is established for a particular purpose and has a short duration. A short duration is usually less than 12 months.);

(c) Establishment date or date of continuation (The establishment date is the original creation date of the committee. The continuation date is the latest date that a review has taken place and the determination to continue the committee has been made. Indicate the most recent date.);

(d) Specific establishment authority;

(e) A statement indicating whether the committee was:

- (1) Specifically directed by law;
- (2) Authorized by law;
- (3) Established by agency authority;

or

(4) Established by Presidential directive;

(f) Termination or report date (This date indicates when the committee will cease functioning. It may be the final terminating date or the date a new continuance is due.);

(g) Brief statement of function;

(h) The principal reports, by subject and date, submitted by the committee;

(i) The dates of the committee's meetings during the preceding year, with a summary total of the number of times met;

(j) The name, occupation, position, and address of each committee member;

(k) The estimated total aggregate annual cost to the United States to fund, service, supply, and maintain the committee;

(l) The estimated annual man-years of staff support for the committee;

(m) A statement of the specific accomplishments of the committee during the preceding year;

(n) Any recommendations for exclusion for national security reasons of information from the President's report to Congress; and

(o) Any recommendations to modify, merge, or abolish an advisory committee.

§ 105-64.402 Annual report to the Office of Management and Budget.

By February 1 of each year, the GSA Committee Management Officer shall prepare for the signature of the Assistant Administrator an annual GSA report to the Office of Management and Budget regarding the status of all advisory committees for which GSA is responsible.

Effective date.—These regulations are effective September 24, 1973.

Dated September 18, 1973.

ARTHUR F. SAMPSON,
Administrator of General Services.

[FR Doc.73-20221 Filed 9-21-73;8:45 am]

Title 45—Public Welfare

CHAPTER II—SOCIAL AND REHABILITATION SERVICE (ASSISTANCE PROGRAMS), DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 233—COVERAGE AND CONDITIONS OF ELIGIBILITY IN FINANCIAL ASSISTANCE PROGRAMS

Dependent Children of Unemployed Fathers; Correction

FR Document 73-14304, published at page 18549 in the issue dated Thursday, July 12, 1973, is corrected by changing the word "employed" in § 233.100(a) (1), first line, to "unemployed".

Dated September 12, 1973.

LUISA V. IGLESIAS,
Acting Assistant Administrator
for Policy Coordination, Social
and Rehabilitation Service.

Approved: September 19, 1973.

THOMAS S. MCFEE,
Deputy Assistant Secretary
for Management Planning
and Technology.

[FR Doc.73-20272 Filed 9-21-73;8:45 am]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Ex Parte No. MC-19 (Sub-No. 7)]

PART 1056—TRANSPORTATION OF HOUSEHOLD GOODS IN INTERSTATE OR FOREIGN COMMERCE

Participation in Rates at Different Levels

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 4th day of September 1973.

It appearing that investigation of the matters and things involved in this proceeding has been made and that the Commission has made and filed its report herein containing its findings of facts and conclusions thereon, which report is hereby referred to and made a part thereof:

It is ordered, That part 1056 of Chapter X of Title 49 of the Code of Federal Regulations be, and it is hereby, amended by the addition of § 1056.21 as set forth below.

It is further ordered, That this order shall become effective on January 1, 1974, and shall remain in effect until modified or revoked in whole or in part by further order of the Commission.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission

at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

(49 U.S.C. 301, 302, 304, 308, and 317 (5 U.S.C. 553 and 559).)

By the Commission.

[SEAL]

ROBERT L. OSWALD,
Secretary.

49 CFR Part 1056 shall be amended by the addition of the following:

§ 1056.21 Uniform rates for identical services.

(a) No motor common carrier of household goods shall have in effect for its account more than one level of line-haul rates, whether local or joint, covering the transportation of noncontainerized household goods in interstate or foreign commerce between the same two points in the same direction.

(b) No motor common carrier of household goods shall have in effect for its account more than one level of line-haul rates, whether local or joint, covering the transportation of containerized household goods in interstate or foreign commerce between the same two points in the same direction.

[FR Doc.73-20292 Filed 9-21-73;8:45 am]

[Ex Parte No. MC-19 (Sub-No. 16)]

PART 1056—TRANSPORTATION OF HOUSEHOLD GOODS IN INTERSTATE OR FOREIGN COMMERCE

Use of Credit Card Systems

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 4th day of September 1973.

It appearing, that investigation of the matters and things involved in this proceeding having been made, and the Commission, on the date hereof, having made and filed a report herein containing its findings of fact and conclusions thereon, which report is hereby made a part hereof:

It is ordered, That Part 1056 of Subchapter A of Chapter X of Title 49 of the Code of Federal Regulations be, and it is hereby, amended by adding a new § 1056.25, reading as set forth below.

(49 U.S.C. 304, 308, and 323.)

It is further ordered, That this order shall become effective on November 2, 1973.

It is further ordered, That notice of this order shall be given the public by depositing a copy thereof in the Office of the Secretary of this Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

And it is further ordered, That the petition of the Mover's & Warehousemen's Association of America, Inc., filed November 9, 1971, in all other respects be, and it is hereby, denied.

By the Commission.

[SEAL]

ROBERT L. OSWALD,
Secretary.

§ 1056.25 Credit card plans; quarterly reporting required.

(a) Each motor common carrier of household goods desiring to participate in a credit card plan must obtain prior approval for such plan from the Interstate Commerce Commission by submitting a copy of its agreement with each financial institution participating in the plan. Except in unusual circumstances and on an experimental basis, such a plan shall be equally available to all certificated motor common carriers of household goods desiring to participate therein. Approval or disapproval will be made informally by the Commission in the form of a letter indicating informal consent for or disapproval of the plan. Notices of approval will be published by the Commission in the Federal Register.

(b) Each motor common carrier of household goods participating in an approved credit card plan shall file with the Commission quarterly reports showing (1) by bill of lading number and date each shipment transported for which a credit card was utilized by the shipper for the payment of all or a portion of the total charges, (2) the total charges for each such shipment, (3) the amount paid by carrier for credit checks and collection service on each shipment, (4) the points from and to which each such shipment moved, (5) the credit card system utilized (and the financial institution controlling the said system) for each such shipment, and (6) the quarterly totals for items (1), (2), and (3).

[FR Doc.73-20293 Filed 9-21-73;8:45 am]

[Ex Parte No. 275]

PART 1115—ISSUANCE OF SECURITIES, ASSUMPTION OF OBLIGATIONS, AND FILING OF CERTIFICATES AND REPORTS

Change in Effective Date

SEPTEMBER 18, 1973.

The report of the Commission upon further consideration and order, 344, I.C.C. 114, entered August 16, 1973, provided that the order would become effective 60 days after publication in the FEDERAL REGISTER.

In the publication in the FEDERAL REGISTER of September 5, 1973 (38 FR 23953) as corrected in the FEDERAL REGISTER of September 11, 1973 (38 FR 24903) and of September 14, 1973 (38 FR 25686) the effective date of the order entered August 16, 1973, was incorrectly set forth.

The report and order stated that the order was to become effective 60 days after publication in the FEDERAL REGISTER. The 60th day following corrected publication is Saturday, November 10, 1973, therefore, the order will be effective, Monday, November 12, 1973.

[SEAL]

ROBERT L. OSWALD,
Secretary.

[FR Doc.73-20291 Filed 9-21-73;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—BUREAU OF SPORT FISHERIES AND WILDLIFE, FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

SUBCHAPTER B—TAKING, POSSESSION, TRANSPORTATION, SALE, PURCHASE, BARTER, EXPORTATION, AND IMPORTATION OF WILDLIFE

PART 20—MIGRATORY BIRD HUNTING

Open Seasons, Bag Limits, and Possession of Certain Migratory Game Birds; Corrections

In FR Doc. 73-18361 appearing on page 23524 in the issue of Friday, August 31, 1973, technical or typographical errors are corrected as follows:

Ducks.....	Oct. 20-Dec. 3.....	Point system.
Geese: 1-2.....		

4. On page 23527, in § 20.105(e), in the Mississippi Flyway table, the season dates for ducks in Iowa are amended to read "Oct. 6-Oct. 10/Oct. 20-Nov. 28."

5. On page 23528, footnote 2 is amended to read:

6. On page 23531, in § 20.105(g), in the Seasons in the Atlantic Flyway, the season dates for Florida are amended to read "Nov. 22-Dec. 9/Dec. 20-Jan. 20."

7. On page 23531, in § 20.105(g), in the Seasons in the Central Flyway, the lines for Montana seasons are amended to read:

Montana¹ Sept. 29-Nov. 27/
Dec. 15-Dec. 30.

8. On page 23531, in § 20.105(h), in the Seasons in the Atlantic Flyway, the season dates for Florida are amended to read "Jan. 21-Jan. 31."

(40 Stat. 755; (16 U.S.C. 703 et seq.).)

Effective date.—These amendments are effective September 24, 1973.

F. V. SCHMIDT,
Acting Director, Bureau of
Sport Fisheries and Wildlife.

SEPTEMBER 19, 1973.

[FR Doc.73-20265 Filed 9-21-73;8:45 am]

Title 21—Food and Drugs

CHAPTER II—DRUG ENFORCEMENT ADMINISTRATION, DEPARTMENT OF JUSTICE

AGENCY REFERENCES AND PARTS REDESIGNATION

Editorial Changes

On July 1, 1973, Reorganization Plan No. 2 of 1973 became effective. Pursuant

¹ In the States of Illinois and Wisconsin, the kill of Canada geese will be limited to 28,000 birds in each State. In the Swan Lake area of Missouri the kill of Canada geese will be limited to 17,500 birds. When it is determined by the Director, Bureau of Sport Fisheries and Wildlife, that the quota of Canada geese allotted to the State of Illinois or to the Swan Lake area of Missouri will have been killed, the season for taking Canada geese in the respective areas will be closed by the Director upon giving public notice through local information media at least 48 hours in advance of the time and day of closing.

1. On page 23526, in § 20.105(e), the season dates for geese in the Coastal and Inland Zones of Massachusetts are amended to read "Oct. 20-Nov. 17/Dec. 8-Jan. 17."

2. On page 23527, in § 20.105(e), in the Mississippi Flywaywide restrictions, the areas closed to canvasback and redhead hunting in Minnesota are amended to read "Statewide." The counties listed beside Minnesota are deleted.

3. On page 23527, in § 20.105(e), in the Mississippi Flyway table, the next two lines after "Illinois:" are amended to read:

to this Plan, the Bureau of Narcotics and Dangerous Drugs was abolished, and all functions of the Bureau were transferred to the Drug Enforcement Administration. On July 2, 1973, an order was published in the FEDERAL REGISTER (38 FR 18380) delegating the functions vested in the Attorney General under the Comprehensive Drug Abuse Prevention and Control Act of 1970 to the Administrator of the Drug Enforcement Administration.

Therefore, it is hereby ordered that all references to the Bureau of Narcotics and Dangerous Drugs in Title 21, Chapter II, of the Code of Federal Regulations be hereby changed to refer to the Drug Enforcement Administration, and that all references to the Director of the Bureau of Narcotics and Dangerous Drugs be hereby changed to refer to the Administrator of the Drug Enforcement Administration, and that all references to the Regional Director of the Bureau of Narcotics and Dangerous Drugs be hereby changed to refer to the Regional Administrator of the Drug Enforcement Administration.

The Office of the Federal Register has notified the Drug Enforcement Administration that the Food and Drug Administration intends to republish and redesignate its regulations in a series covering Parts 1-1299, and has asked the Drug Enforcement Administration to redesignate its parts and sections beginning with Part 1300. Therefore, pursuant to the authority vested in the Attorney General by sections 201, 202(d), 301, 302(f), 304, 305, 306(f), 307, 308, 501(b), 505, 507, 511, 513, 704(c), 705, 1002, 1003, 1004, 1006, 1007(b), 1008(d), 1008(e), and 1015 of the Comprehensive Drug Abuse Prevention and Control Act of 1970, and delegated to the Administrator of the Drug Enforcement Administration by § 0.100 of Title 28 of the Code of Federal Regulations (38 FR 18380), it is hereby ordered that all parts and sections now contained in Title 21, Chapter II, of the Code of Federal Regulations be redesignated upward by one thousand (e.g., Part 301 becomes Part 1301, and § 303.37 becomes § 1303.37).

These orders shall become effective on September 24, 1973.

Dated September 14, 1973.

JOHN R. BARTELS, JR.,
Acting Administrator,
Drug Enforcement Administration.

[FR Doc. 73-20144 Filed 9-21-73; 8:45 am]

PART 1308—SCHEDULES OF CONTROLLED SUBSTANCES

Exempt Chemical Preparations

The Administrator of the Drug Enforcement Administration has received applications pursuant to § 1308.23 of Title 21 of the Code of Federal Regulations requesting that several chemical preparations containing controlled substances be granted the exemptions provided for in § 1308.24 of Title 21 of the Code of Federal Regulations.

The Administrator hereby finds that each of the following chemical preparations and mixtures is intended for laboratory, industrial, educational, or special research purposes, is not intended for general administration to a human being or other animal, and either (a) contains no narcotic controlled substance and is packaged in such a form or concentration that the package quantity does not present any significant potential for abuse, or (b) contains either a narcotic or nonnarcotic controlled substance and one or more adulterating or denaturing agents in such a manner, combination, quantity, proportion or concentration, that the preparation or mixture does not present any potential for abuse. If the preparation or mixture contains a narcotic controlled substance, the preparation or mixture is formulated in such a manner that it incorporates methods of denaturing or other means so that the preparation or mixture is not liable to be abused, and so that the narcotic substance cannot in practice be removed. The Administrator further finds that exemption of the following chemical preparations and mixtures is consistent with the public health and safety as well as the needs of researchers, chemical analysts, and suppliers of these products.

Therefore, under the authority vested in the Attorney General by sections 301 and 501(b) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 821 and 871(b)) and delegated to the Administrator of the Drug Enforcement Administration by § 0.100 of Title 28 of the Code of Federal Regulations (see 38 FR 18380, July 2, 1973) the Administrator hereby orders that Part 1308 of Title 21 of the Code of Federal Regulations be amended as follows:

By amending § 1308.24(e) by adding the following chemical preparations:

§ 1308.24 Exempt chemical preparations.

(i) * * *

Manufacturer or supplier	Product name and supplier's catalog number	Form of product	Date of application
American Hospital Supply Corp. (Harleco Division).	Clinicard, pseudo-cholinesterase, catalog No. 32907.	Clinicard cuvette containing a powder to be reconstituted by adding 3 ml water.	May 31, 1973
Amerham/Searle	HIPL Immunoassay Kit No. IM-68.	Bottle: 30 ml.	May 18, 1973
Bio-Reagents & Diagnostics, Inc.	Toxicology control urine-dried No. 6716-25.	Bottle: 25 ml.	June 25, 1973
Do.	Toxicology control serum-dried No. 6726-10.	Bottle: 10 ml.	Do.
Do.	Toxicology urine proficiency control-dried No. 6736-25.	Bottle: 25 ml.	Do.
Do.	Abnormal control urine, assayed-dried No. 6964-25.	do.	Do.
Clinical Assays, Inc.	Morphine urine standard No. CA-224.	Vial: 5 or 10 ml.	June 13, 1973
Do.	Morphine urine standard No. CA-225.	do.	Do.
Do.	Morphine urine standard No. CA-226.	do.	Do.
Do.	Morphine Urine Standard No. CA-227.	do.	Do.
Do.	Morphine Urine Standard No. CA-228.	do.	Do.
Do.	Morphine Urine Standard No. CA-229.	do.	Do.
Do.	7H Morphine No. CA-615.	do.	Do.
Diagnostics, Inc.	DIAGAu Buffer, No. 65.	Bottle: 1 gal.	May 7, 1973
Do.	DIAGAu Plates, No. 50.	Plate: 16 ml.	Do.
Do.	DIAGAu Plates, No. 55.	do.	Do.
Grand Island Biological Co.	Dextrose-Gelatin-Veronal Buffer Solution NDC No. 815-0566-1 and No. 815-0566-2.	Bottle: 100 ml and 500 ml.	July 5, 1973
Hoffmann-La Roche Inc.	Abuscreen Radioimmunoassay for Barbiturates (PH).	Vial: 60 ml and 5 ml.	July 6, 1973
Do.	Abuscreen Radioimmunoassay for Barbiturates (141).	Vial: 60 ml and 5 ml.	Do.
Kallestad Labs, Inc.	Osmotect Buffer No. M 101.	Vial: 7 dram, 7.4 g per vial, 5 vials per package.	May 17, 1973
Do.	Buffer No. C135.	Vial: 7 dram.	Do.
Do.	Osmotect Agar Gel Plate Kit No. M 100.	Plate: 2 ml, 6 per kit.	Do.
Materials & Technology Systems, Inc.	Carboxymethylmorphine Sensitized RBC.	Vial: 50 ml.	May 3, 1973
Do.	Egonine Sensitized RBC.	do.	Do.
Do.	5-ethyl-5-(1-carboxy-n-propyl) barbituric acid Sensitized RBC.	do.	Do.
SIGMA Chemical Co.	SGOT Single Assay Vial, No. 55-1.	Vial: 3 ml.	May 29, 1973
Do.	SGOT Assay Vial, No. 55-5.	Vial: 15 ml.	Do.
Do.	SGOT 10 Assay Vial, No. 55-10.	Vial: 30 ml.	Do.
Do.	SGPT Single Assay Vial, No. 55-1P.	Vial: 3 ml.	Do.
Do.	SGPT 5 Assay Vial, No. 55-5P.	Vial: 15 ml.	Do.
Do.	SGPT 10 Assay Vial, No. 55-10P.	Vial: 30 ml.	Do.
Do.	SGOT Reagent No. 155-10.	do.	Do.
Do.	SGOT Reagent No. 155-100.	Vial: 100 ml.	Do.
Do.	SGPT Reagent No. 155-10P.	Vial: 30 ml.	Do.
Do.	SGPT Reagent No. 155-100P.	Vial: 100 ml.	Do.
Do.	LDH-P Reagent No. 125-10.	Vial: 30 ml.	Do.
Do.	LDH-P Reagent No. 125-100.	Vial: 100 ml.	Do.
SYVA Co.	Frat Opiate Spin Label Reagent B.	Bottle: 5 ml.	May 22, 1973
Do.	Frat Methadone Spin Label Reagent B.	do.	Do.
Do.	Frat Barbiturate Spin Label Reagent B.	do.	Do.
Do.	Frat Amphetamine Spin Label Reagent B.	do.	Do.
Do.	Frat Cocaine Metabolite Spin Label Reagent B.	do.	Do.
Do.	Emit Opiate Enzyme Reagent B.	do.	Do.
Do.	Emit Methadone Enzyme Reagent B.	do.	Do.
Do.	Emit Barbiturate Enzyme Reagent B.	do.	Do.
Do.	Emit Amphetamine Enzyme Reagent B.	do.	Do.
Do.	Emit Cocaine Metabolite Enzyme Reagent B.	do.	Do.
Do.	Emit Opiate Enzyme Reagent B.	Bottle: 60 ml.	Do.
Do.	Emit Methadone Enzyme Reagent B.	do.	Do.
Do.	Emit Barbiturate Enzyme Reagent B.	do.	Do.
Do.	Emit Amphetamine Enzyme Reagent B.	do.	Do.
Do.	Emit Cocaine Metabolite Enzyme Reagent B.	do.	Do.
Do.	Emit Low Calibrator.	Vial: 3 ml.	May 5, 1973.
Do.	Emit Medium Calibrator.	do.	Do.
Do.	Emit High Calibrator.	do.	Do.
Do.	Products of the following substances either alone or in combination with one another and not to exceed 10 micrograms per milliliter lyophilized human urine: (1) Amphetamine, (2) Benzoyl Egonine, (3) Codeine, (4) Egonine, (5) 2-Ethylidene-1,5-dimethyl-3,3-diphenylpyrrolidine, (6) Glutethimide, (7) Methadone, (8) Methamphetamine, (9) Methaqualone, (10) Morphine, (11) Morphine Glucuronide, (12) Pentobarbital, (13) Phenobarbital, (14) Secobarbital.	Vial: 50 ml.	May 31, 1973.

Effective date.—This order is effective on September 21, 1973. Any interested person may file written comments on or objections to the order by November 20, 1973. If any such comments or objections raise significant issues regarding any finding of fact or conclusion of law upon which the order is based, the Administrator shall immediately suspend the effectiveness of the order until he may reconsider the application in light of the comments and objections filed. Thereafter, the Administrator shall reinstate, revoke or amend his original order as he determines appropriate.

Dated September 14, 1973.

JOHN R. BARTELS, Jr.,
Acting Administrator,
Drug Enforcement Administration.

[FR Doc.73-20143 Filed 9-21-73;8:45 am]

**CHAPTER III—SPECIAL ACTION OFFICE
FOR DRUG ABUSE PREVENTION
PART 1401—CONFIDENTIALITY OF DRUG
ABUSE PATIENT RECORDS**

Redesignation of Part

Under date of November 17, 1972, the Special Action Office for Drug Abuse Prevention caused to be published under Title 21 of the FEDERAL REGISTER Part 401, Chapter III relating to the "Confidentiality of Drug Abuse Patient Records." (Volume 37, No. 223, pages 24636-24639; 37 CFR 401). It is now desired to redesignate said Part 401, Chapter III of the Code of Federal Regulations. Therefore, it is ordered that Part 401, Chapter III of Title 21 of the Code of Federal Regulations be redesignated and shall hereafter be referred to as Part 1401, Chapter III of Title 21 of such Code, and §§ 401.01 to 401.73 therein are redesignated accordingly and shall be hereafter referred to as §§ 1401.01 to 1401.73.

By order of the Director of the Special Action Office for Drug Abuse Prevention.
Effective September 24, 1973.

GRASTY CREWS, II,
General Counsel.

[FR Doc.73-20223 Filed 9-21-73;8:45 am]

**Title 6—Economic Stabilization
CHAPTER I—COST OF LIVING COUNCIL
PART 150—COST OF LIVING COUNCIL;
PHASE IV PRICE REGULATIONS**

Construction Industry

The purpose of this amendment to Part 150 of the Cost of Living Council Phase IV Price Regulations is to revise Subpart N—Construction.

On July 19, 1973, the Cost of Living Council established Part 150 and issued Subpart N, 38 FR 19462 (July 20, 1973) as the first body of Phase IV price stabilization regulations. As originally issued, Subpart N was essentially a republication of the regulations first issued on June 18, 1973, 38 FR 15821. In light of its experience under Subpart N and the earlier regulations and on the basis of comments received, the Council

finds that a number of technical adjustments to the regulations are required.

A new § 150.61 is being added to Subpart D—Exemptions, to exempt from the operation of Phase IV price regulations those small firms which are engaged in construction operations but have annual sales and revenues from construction operations of no more than \$1 million.

Since profit margin limitations are the primary basis for price stabilization with respect to the construction industry, Subpart N is being revised and restated in its entirety so as to state its operative rules in terms relating to profit margins, eliminate references to individual prices, and incorporate several provisions to facilitate an effective and equitable operation of the profit margin limitation. In addition, a number of other minor technical changes are reflected.

As revised, § 150.451 provides that Subpart N applies to the construction operations of all firms other than those small firms exempt under new § 150.60. Under the earlier regulations, firms deriving less than 20 percent and less than \$50 million in annual sales and revenues from construction operations were subject to other applicable provisions of Part 150 dealing with manufacturers, service organizations, retailers, etc. As revised, Subpart N becomes applicable to the construction operations of all firms, other than the small exempt firms. Paragraph (b) of § 150.451 provides that Subpart N supersedes certain provisions of Part 150 that could otherwise be applicable to a firm's construction operations.

In § 150.452 the definition of "annual sales or revenues" has been shortened by incorporating by reference the definition of that term as set forth in the general definitions in § 150.31. The definition of "base period" has been changed to conform to the phraseology in the definition of "base period" in the general definitions in § 150.31. The definition of "construction industry" has been eliminated as surplusage and covered by the defined term "construction operations".

Section 150.453 has been changed in two respects. In paragraph (c) (2) "the owner or user, the CISC or Council" have been added to the list of persons who can notify a prime contractor of a CISC or Council action resulting in a wage or salary reduction. In paragraph (d), the authorization for a prime contractor to place in escrow an amount due a subcontractor to cover a wage or salary reduction has been limited to those situations where the prime contractor does not otherwise retain a sufficient percentage of the subcontract price pending completion of the project.

Former § 150.456 has been divided into two separate sections, § 150.454 covering the calculation of a firm's base period profit margin limitation and § 150.455 setting forth the rules for measuring a firm's compliance therewith.

Under new § 150.454 governing the calculation of a firm's base period profit margin, a firm having both construction

and nonconstruction operations is required to calculate a separate base period profit margin for each. Its nonconstruction operations are then governed by other appropriate provisions of Part 150 while its construction operations are subject to Subpart N. However, if its annual revenues from nonconstruction operations are more than 50 percent of its total revenues and its construction and nonconstruction operating incomes cannot be separately identified, the firm's entire operations are subject to such other provisions of Part 150 as are applicable to its nonconstruction operations. If its annual revenues from nonconstruction operations are not more than 50 percent of its total revenues and its construction and nonconstruction operating incomes cannot be separately identified, the firm's entire operations are subject to the profit margin limitation prescribed in Subpart N and in all other respects its nonconstruction operations are subject to such other pricing rules in Part 150 as may be applicable.

New § 150.455(a) prescribes the basic profit margin limitation (i.e. a firm's profit margin on construction operations may not exceed its base period profit margin on construction operations). However, under paragraph (b), if 90 percent or more of a firm's annual sales and revenues come from the sale of exempt items and it derives less than \$50 million of its annual sales and revenues from nonexempt items, the firm is excused from the profit margin limitation for the following year. Under paragraphs (c) and (d), if a firm exceeds its profit margin limitation, the Cost of Living Council will consider certain enumerated causal factors in determining what sanctions should be applied for the overage.

New § 150.456 is a revision of former § 150.455 and has been recast in terms of a firm's profit margin rather than the prices it charges so as to conform to the overall restructuring of revised Subpart N.

New § 150.457 replaces former § 150.454 and prescribes an annual reporting requirement for firms deriving \$10 million or more annually from construction operations. It also requires firms deriving less than \$10 million but more than \$1 million from construction to maintain records to demonstrate their compliance with Subpart N.

Because the purpose of this amendment is to provide immediate guidance and information with respect to the decisions of the Council, the Council finds that publication in accordance with normal rule making procedure is impracticable and that good cause exists for making these amendments effective in less than 30 days.

(Economic Stabilization Act of 1970, as amended, Pub. L. 92-210, 85 Stat. 743; Pub. L. 93-28, 87 Stat. 27; E.O. 11730, 38 FR 19345; Cost of Living Council Order No. 14, 38 FR 1489.)

In consideration of the foregoing Part 150 of Title 6 of the Code of Federal Regulations is amended as follows, effective September 26, 1973.

Issued in Washington, D.C., on September 21, 1973.

JOHN T. DUNLOP,
Director,
Cost of Living Council.

1. Section 150.60(a) (2) (iii) and (b) (2) (iii) are amended to read as follows:

§ 150.60 Small business: exemption of firms with 60 or fewer employees.

(a) * * *

(2) * * *

(iii) A firm which on August 12, 1973, was engaged in construction operations as defined in § 150.452 and which derived more than \$1 million in annual sales and revenues from those construction operations during its most recently completed fiscal year.

(b) * * *

(2) * * *

(iii) A firm which at any time during its first four calendar quarters after June 30, 1973, was engaged in construction operations as defined in § 150.452 and had annual sales and revenues from those construction operations of \$1 million or more.

2. The items in the table of sections pertaining to Subpart N are amended to read as follows:

Subpart N—Construction

Sec.	
150.451	Applicability and scope.
150.452	Definitions.
150.453	Redetermination of contracts over \$500,000 when wages reduced by CISC or the Council.
150.454	Base period profit margin calculation.
150.455	Profit margin limitation.
150.456	Pass through of certain wage adjustments.
150.457	Reporting; recordkeeping.

3. Subpart N is amended to read as follows:

Subpart N—Construction

§ 150.451 Applicability and scope.

(a) This subpart applies to the construction operations of all firms which derived \$1 million or more in annual sales or revenues from construction operations during its most recently completed fiscal year.

(b) With respect to firms to which this subpart applies, this subpart supercedes the provisions of §§ 150.3, 150.10, and 150.11 and Subparts E, F, G, H and K of this part except as otherwise provided in § 150.454. To the extent that this subpart may be inconsistent with any other provisions in this part, the provisions in this subpart govern.

§ 150.452 Definitions.

As used in this subpart—

"Annual sales or revenues" means annual sales or revenues as defined in § 150.31 and includes a firm's pro rata share of annual sales or revenues derived from the construction operations of any joint venture in which it is a participant.

"Base period" means any one, at the option of the firm concerned, of that

firm's fiscal years ending after August 15, 1968, except a fiscal year for which compliance is being measured. If a firm uses for its base period, a fiscal year ending after August 15, 1971, and prior to January 11, 1973, for which the firm exceeded a profit margin limitation imposed pursuant to the provisions of Part 300 of this title in effect on January 10, 1973, it shall reduce its operating income for that fiscal year to the level of operating income it would have obtained for that fiscal year had it been in compliance with that Part 300 of this chapter profit margin restraint.

"Construction operations" includes all work relating to the erecting, construction, altering, remodeling, painting, or decorating of installations such as buildings, bridges, highways, and the like when performed on a contract basis, but does not include maintenance work performed by workers employed on a permanent basis in a particular plant or facility for the purpose of keeping such plant or facility in efficient operating condition. It also includes the transporting of materials and supplies to or from a particular building or project by the workers of the contractor or subcontractor performing the construction or the manufacturing of materials, supplies, or equipment on the site of a project by those workers and all other work classified as construction in § 5.2(g) of Title 29 Code of Federal Regulations.

§ 150.453 Redetermination of contracts over \$500,000 when wages reduced by CISC or the Council.

(a) The contract price for each construction contract in excess of \$500,000, all or part of which is performed by construction workers whose wages and salaries are subject to review by the Construction Industry Stabilization Committee (CISC) or the Cost of Living Council, shall be redetermined prior to final payment if the wage and salary level of those construction workers is reduced as a result of CISC or Council action. The amount by which the contract price is reduced as a result of the redetermination must fairly reflect the results of the CISC or Council action, including any cost increases directly resulting from the CISC or Council action.

(b) Redetermination of any Federal Government fixed-price prime construction contract in excess of \$500,000 affected by CISC or Council action shall be conducted in the manner provided in the applicable federal procurement regulations and applicable regulations of the Department of Defense.

(c) Redetermination of fixed-price prime construction contracts in excess of \$500,000 other than those referred to in paragraph (b) of this section shall be conducted in the following manner:

(1) Upon notification of a reduction in the wages and salaries of construction workers subject to CISC or Council review each subcontractor performing work under the prime contract, whose construction workers have had a reduction of wages and salaries as a result

of CISC or Council action, shall promptly notify the prime contractor of any such reduction, notwithstanding the dollar value of the subcontract.

(2) In the absence of a contract clause relating to redetermination of the contract price, and after notification by his subcontractors, the owner or user, CISC, or the Council of a reduction in the wages and salaries of construction workers as a result of CISC or Council action, the prime contractor shall offer in writing to redetermine the contract price with the owner or user prior to final payment, and furnish the owner or user with a statement of the estimated number of employees affected by the CISC or Council action.

(3) The owner or user shall notify the contractor of his intention to jointly redetermine the contract price within 90 days after receipt of the offer referred to in paragraph (c) (2) of this section.

(d) In complying with this section, the prime contractor may require each subcontractor, regardless of tier, to submit to him a statement of the estimated number of employees affected by the results of the CISC or Council action. The final payment due the subcontractor engaged to perform the subcontracted work shall be jointly redetermined to reflect fairly the results of the CISC or Council action, including any cost increases directly resulting from such action. Pending notification by the owner or user of his intent to redetermine the contract price, and if the prime contractor does not hold sufficient funds in the form of retainage to fairly reflect the CISC or Council action, the prime contractor may place in escrow an amount which fairly reflects that action. The prime contractor shall refund to the subcontractor the amount placed in escrow if the owner or user does not indicate to the prime contractor his intention to jointly redetermine the contract price within the 90-day period specified, or if the owner or user does not notify the prime contractor during that time period that he will not redetermine the contract price.

§ 150.454 Base period profit margin calculation.

(a) Except as provided in paragraphs (b) and (c) of this section, each firm to which this subpart applies shall, to the extent possible and consistent with the accounting principles customarily used in preparation of its financial statements, calculate its base period profit margin on construction operations separately from its base period profit margin on its other operations. In calculating a base period profit margin on construction operations, the firm shall use the definition of base period set forth in § 150.452 and in calculating a base period profit margin on other operations the firm shall use the definition of base period set forth in § 150.31. The firm's other operations are subject to Subpart E, Subpart K, or such other provisions of this part as may be applicable.

(b) If a firm's annual sales or revenues from other than construction operations are more than 50 percent of its

total annual sales or revenues and the firm cannot separate its construction and nonconstruction operating income, the firm shall treat its construction operations as part of its other operations for purposes of Subpart E, Subpart K, or such other provisions of this part as may be applicable.

(c) If a firm's annual sales or revenues from other than construction operations are not more than 50 percent of its total annual sales or revenues and the firm cannot separate its construction and nonconstruction operating income, the firm shall treat its nonconstruction operations as part of its construction operations for profit margin purposes under this subpart. However, in all other respects its nonconstruction operations remain subject to Subpart E, Subpart K, or such other provisions of this part as may be applicable.

§ 150.455 Profit margin limitation.

(a) A firm's profit margin on construction operations for any fiscal year may not exceed the firm's base period profit margin on construction operations.

(b) A firm which during its most recent fiscal year derived both (1) 90 percent or more of its annual sales or revenues from the sales of exempt items or from exempt sales and (2) less than \$50 million of its annual sales or revenues from the sale or lease of nonexempt items, is not subject to a profit margin limitation for the next ensuing fiscal year.

(c) When a firm is in violation of its profit margin limitation on construction

operations, the Council in determining an appropriate sanction will consider whether the excess results from factors such as variation in the profit margin caused by the accounting method used on multiyear projects, or other factors which are unique to the construction industry and which would distort the comparison of a firm's current profit margin on construction operations with that which prevailed in its base period.

(d) Any justification advanced by a firm for its profit margin excess based on any of the factors listed in paragraph (c) of this section, must be included in the firm's annual report required under § 150.457.

§ 150.456 Pass through of certain wage adjustments.

In computing its profit margin under this subpart, a firm may treat as allowable costs for construction operations any wage or salary adjustment contained in a collective bargaining agreement or pay practice entered into after November 8, 1971, to the extent that adjustment has been approved by CISC or the Council. However, a firm may not treat as allowable costs any such adjustment incurred during the period from 9:00 p.m. e.s.t., June 13, 1973, through 11:59 p.m., e.s.t., August 12, 1973, unless the effective date of the adjustment was prior to June 13, 1973.

§ 150.457 Reporting; recordkeeping.

(a) Except as provided in paragraph (c) of this section, each firm having con-

struction operations to which this subpart applies and which derives \$10 million or more in annual sales or revenues from construction operations, shall prepare and submit to the Cost of Living Council within 90 days after the end of each fiscal year ending after June 12, 1973, a sales and profit margin report on a form prescribed by and in accordance with instructions issued by the Council.

(b) Each firm to which this subpart applies and which derives more than \$1 million but less than \$10 million in annual sales or revenues from construction operations shall maintain in accordance with § 150.164 such records as are sufficient to demonstrate that the firm is in compliance with this subpart.

(c) A firm is not required to submit the reports otherwise required under paragraph (a) of this section if:

(1) the firm has both construction and non-construction operations and pursuant to § 150.454(b) treats its construction operations as part of its other operations; or

(2) during its most recent fiscal year, the firm derived both (i) 90 percent or more of its annual sales or revenues from the sale of exempt items or exempt sales and (ii) less than \$50 million of its annual sales or revenues from the sale of non-exempt items.

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